

REMARKS

The prior rejections were withdrawn by the May 4, 2005 Office Action. The Office Action then asserted a single obviousness rejection against all of the pending claims. In view of the amendment above, and the arguments noted below, reconsideration is respectfully requested.

Applicants note with appreciation the Office Action's suggestion that claim 7 and 9 subject matter, if folded into claims 1 and 13, would not be motivated. Applicants have folded into claims 1 and 13 the claim 9 subject matter, as well as a portion of the claim 7 subject matter. In this regard, it is noted at paragraph [0038] of the application specification that the packaging is preferably made of a material that a rodent will readily chew through, with cellulosic materials and thin plastics being highly preferred. Hence, claims 1 and 13 are believed to overcome the rejection.

Claims 2, 4-8 and 10-12 are dependent on claim 1. Hence, they should also be allowable.

In support of the scope of the amendment that has been made, Applicants wish to re-emphasize that the essence of their amendments via the January 12, 2005 amendment related to providing the package itself, rather than just the interior of the package, with an attractant. The rodent was thereby encouraged to attack the enclosed package to reach the poison, as its chewing of the package wall would provide immediate positive feedback.

None of the cited references teaches this regardless of the animal being baited. Bitrex and Shuyler merely deal with chemistry, rather than bait structures. Marshall et al. deals with an uncovered bait block. Pleasants deals with structures having existing opening channels, and in any event doesn't spike its cover walls with attractant. Smart also didn't provide spiking of the outer wall with attractant. Instead, it relied on an open weave 11 to expose the interior.

The Office Action does not directly address this issue with reference to the cited patents and publication. The Office Action instead speaks in terms of prior art insect/termite/ant bait packages existing that teach relevant points. However, the Office Action did not disclose the nature of those packages, or its basis for believing

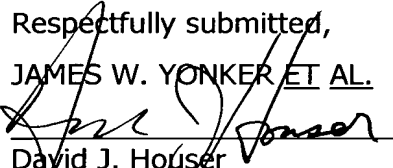
them to be prior art, and thus any reliance on them would be inappropriate since nothing of record establishes that their package walls were spiked with attractant.

In any event, the claims as now presented, do speak in terms of a murine attractant, which hopefully will address the Examiner's concerns.

Conclusion

In view of the above amendments, and the remarks above, reconsideration and allowance of amended claims 1, 2 and 4-8 and 10-13 is respectfully requested. No additional fee is believed to be needed for consideration of this amendment. However, if one is, please charge Deposit Account 10-0849 for the amount of the fee.

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Respectfully submitted,
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